

## **REMARKS/ARGUMENTS**

The office action of January 24, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-8, 11-17, and 19-21 remain in this application. Claims 9, 10, and 18 have been canceled.

Claims 1-21 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to recite the treatment of a disorder selected from the group consisting of obesity, excessive food intake, and smoking craving and delete the terms “mediated by” and “gastrointestinal disorder.” Withdrawal of this rejection is requested.

Claims 1-21 stand provisionally rejected as unpatentable over claims 22-30 of co-pending application 10/552,575. Attached hereto is a terminal disclaimer. Withdrawal of this rejection is requested.

Claims 1-12 and 14-20 stand rejected under 35 USC 103(a) over Adams et al. (US 6,403,574) in view of Achard et al. (US 2002/0019383).

Adams does not teach the use of its disclosed compounds for treatment of a disorder selected from the group consisting of obesity, excessive food intake, and smoking as claimed in amended claim 1. Moreover, the use of the disclosed compounds as claimed are not obvious applications of the Adams compounds. The molecular target disclosed in Adams is the GABA<sub>A</sub> receptor, and modulation of the GABA<sub>A</sub> receptor is not known in the art to be involved with the claimed disorders. Thus Adams does not suggest that GABA<sub>A</sub> receptor modulators would be useful for the now-claimed disorders. Achard does not remedy the defects of Adams.

Contrary to the position in the Office Action, the Archard compounds are not “very close” in structural similarity to those of Adams and the present application. Achard (a) does not have an amide moiety attached to the azetidine nitrogen, and (b) does not have the ether link to the ring carbon in position 3 of the azetidine ring. In fact, the only similarity between

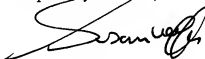
the Achard and Adams compounds seems to be the common possession of an azetidine ring. Thus, one skilled in the art would not have had any reasonable expectation that the instant compounds were suitable for the treatments as claimed in view of Archard. Withdrawal of this rejection is requested.

**CONCLUSION**

If any further fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,



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